

**UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA**

CHASTITY LUND,

Civil No. 10-0028 (JRT/RLE)

Plaintiff,

v.

ORDER

PRECISION PIPELINE, LLC,

Defendant.

John Fabian, III, **FABIAN MAY & ANDERSON**, 80 South Eighth Street,
Suite 1285, Minneapolis, MN 55402, for plaintiff.

Kurt Erickson, **JACKSON LEWIS LLP**, 225 South Sixth Street,
Suite 3850, Minneapolis, MN 55402, for defendant.

This matter came before the Court on appeal from the order of the Magistrate Judge granting plaintiff's motion to exclude certain individuals from the deposition of Chastity Lund. The Court construes plaintiff's motion to exclude witnesses from the deposition of Chastity Lund as a motion for a protective order under Federal Rule of Civil Procedure 26(c)(1)(E). *See also* Fed. R. Civ. P. 30(c)(1) (stating that Federal Rule of Evidence 615 does not apply to deposition testimony). The Court finds that plaintiff has failed to show sufficient good cause to exclude Todd Hunter from Lund's deposition, and in that respect overrules the order of the Magistrate Judge. In all other respects, the Court affirms the Magistrate Judge's order.

Based upon all the files, records and proceedings herein, **IT IS HEREBY ORDERED** that the order of the Magistrate Judge is **AFFIRMED** in part and **OVERRULED** in part.

DATED: May 4, 2010
at Minneapolis, Minnesota.

s/ John R. Tunheim
JOHN R. TUNHEIM
United States District Judge